



DO NOT ENTER: /JC/

15W JP

| AMENDMENT TRANSMITTAL LETTER | | | After Final Rejection |
|--|----------------------------------|-------------------------------|--------------------------------------|
| Application No. 10/781,506 | Filing Date February 18, 2004 | Examiner J. L. Cumberledge | Group Art Unit 3733 |
| Applicant(s): Rafail Zubok, Michael W. Dudasik, and Joseph P. Errico | | | Docket No. SPINE 3.0-455 CIP CONT |

Invention: INSTRUMENTATION AND METHODS FOR USE IN IMPLANTING A CERVICAL DISC REPLACEMENT DEVICE

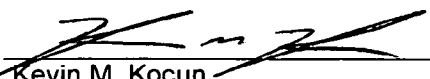
TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|----------------------------------|--------------------------------|-----------------------------|----------|------|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 15 | - 20 = | 0 | x 50.00 | 0.00 |
| Independent Claims | 3 | - 3 = | 0 | x 210.00 | 0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 0.00 |

- ☒ Large Entity ☐ Small Entity
- ☒ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____.
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Kevin M. Kocun
Attorney Reg. No. 54,230

Dated: May 13, 2008

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 13, 2008

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Dated: May 13, 2008

Signature: 

(Kevin M. Kocun)

EXPEDITED PROCEDURE

Group Art Unit: 3733

Docket No.: SPINE 3.0-455 CIP CONT III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zubok et al.

Application No.: 10/781,506

Filed: February 18, 2004

For: INSTRUMENTATION AND METHODS FOR
USE IN IMPLANTING A CERVICAL
DISC REPLACEMENT DEVICE

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: Group Art Unit: 3733
:
: Examiner: J. L.
Cumberledge
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:
:
x

AMENDMENT UNDER 37 CFR 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated April 8, 2008, finally rejecting claims 1-13, 20, and 21, please amend the above-identified U.S. patent application as follows: